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July 28, 2025

BY ECF

Honorable Seth D. Eichenholtz
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Tony Harrison v. Correctional Officer Hodge, et al.,
96-CV-1465 (PKC) (SDE)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing Detectives Sanchez, Kennedy, and Mullhall in the above-referenced matter.¹ I write pursuant to the Court's Order dated June 26, 2025, directing this Office to provide a status update regarding its efforts to identify Correction Officer "Steward."

Procedural Background

This matter arises from events alleged to have occurred on February 15, 1996. On September 25, 2024, pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d Cir. 1997), the Court directed Corporation Counsel to provide current service addresses for all named officer defendants (ECF No. 54.) The Court has granted multiple extensions (ECF Nos. 56, 58, 73, 79, 92) in recognition of the extraordinary challenges posed by the nearly 30-year passage of time.

On March 24, 2025, the Court adopted this Office's proposed order, directing the Department of Correction ("DOC") to produce personnel records to assist in identifying C.O. Steward (ECF Nos. 85, 87.) This directive followed months of unsuccessful attempts to identify this individual through standard investigative channels. (ECF Nos. 55, 57, 72.)

¹ This case has been assigned jointly to the undersigned and to Assistant Corporation Counsel Michael Futral, who is presently awaiting admission to the Eastern District of New York. Mr. Futral may be reached directly at (212) 356-1643 or by email at mifutral@law.nyc.gov.

Current Investigative Status

In our previous status report, we reported that we were awaiting one remaining personnel file to complete our review. (ECF No. 100.) Following the receipt of that file, this Office has completed an exhaustive review of DOC personnel files for all Black male correction officers with the surnames Steward, Stewart, Stuart, or Steuart who were employed by DOC in 1996. This comprehensive review encompassed thousands of pages of personnel records obtained pursuant to the Court's March 24, 2025 Order.

Through this systematic review, we have successfully eliminated all but three potential candidates. The eliminated individuals were ruled out based on definitive factors including: (1) race or gender inconsistent with plaintiff's description; (2) employment dates outside the relevant timeframe; and, (3) assignment locations that preclude involvement in the incident.

Despite our exhaustive review, we remain unable to make a definitive identification of C.O. Steward. None of the three remaining candidates match all the information provided by plaintiff, and none of the candidates that we have been able to contact have any memory of the incident.

During a February 25, 2025 legal call and in prior communications, plaintiff provided the following identifying information regarding C.O. Steward:

- Black male over six feet tall (ECF No. 78.);
- Partner of C.O. Hodge (*Id.*);
- Assigned to C-95, also known as the Anna M. Kross Center ("AMKC") per the Second Amended Complaint (ECF No. 46.);
- Or assigned to "(Kings County Hospital)" per the initial complaint (ECF No. 2 at p. 2.)

Remaining Candidates

Critically, on information and belief, none of the three remaining candidates were assigned to AMKC as plaintiff has consistently asserted. While each candidate had various assignments that could theoretically have placed them at or near the location of plaintiff's blood draw on February 15, 1996, the absence of any AMKC assignment creates substantial doubt. Furthermore, none bear the exact surname "Steward" as originally specified.²

After ten months of investigation, including comprehensive database searches, review of thousands of pages of personnel records, and examination of all plausible name variations, this Office cannot definitively identify C.O. "Steward." The fundamental obstacles remain that no individual in DOC's records matches the totality of plaintiff's identifying information, and no individual successfully contacted has any independent recollection of the parties present at the incident.

Our most promising avenue for resolution remains the successful service of C.O. Hodge, who plaintiff identifies as C.O. Steward's partner. Additionally, we await execution of a

² Without disclosing confidential personal information, the undersigned can promptly provide additional details regarding the results yielded from the investigation and associated issues.

medical release from plaintiff, which could potentially provide contemporaneous documentation of the February 15, 1996 blood draw.

Respectfully submitted,

John McLaughlin /s/

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